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SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 February 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)
later: Mr. WALKER (Australia)

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The meeting was called to order at 3.10 p.m.

STATEMENT BY THE SECRETARY-GENERAL FOR FOREIGN AFFAIRS OF AUSTRIA

1. Mr. KLESTIL (Secretary-General for Foreign Affairs of Austria) said that his country, which for 40 years had bordered by what had been called the "Iron Curtain", could certainly testify to the dramatic changes in international relations in recent years. Those changes provided new opportunities and new challenges for global cooperation, in particular within the framework of the United Nations. At the recent summit meeting of the Security Council convened by the Prime Minister of the United Kingdom, the member countries had discussed, among other things, how the United Nations could render the international system more effective, and had concluded that human rights verification and election monitoring would become increasingly important in United Nations efforts to maintain international peace and security. They had also showed their determination to strengthen the United Nations.

2. Austria had always emphasized that human rights and fundamental freedoms must be regarded as central principles for the institutional evolution of the society of nations. Many societies were reorienting themselves towards broad popular participation in decision-making processes, towards a free-market economy of an ecological and social nature, and towards democracy and political freedom. To Austria, the safeguarding of human rights and fundamental freedoms could not be considered as interference in a country's internal affairs. In its view, there must be an effort to apply that principle at a universal level, but on condition that its sole aim should be to improve the situation of the people concerned, and not to serve political interests.

3. The Commission's mandate was to search for ways and means of making the United Nations system more effective in the protection and promotion of human rights, and it had many achievements to its credit in that respect, since it had been the source of practically all elements of the current international system of human rights protection. After formulating numerous international standards on the basis of the Universal Declaration of Human Rights, the Commission had directed its attention to ensuring their implementation, since many of those standards provided for supervisory committees to monitor implementation by States parties. On the Commission's proposal, working groups and experts had also been established or designated for the same purpose.

4. There were shortcomings in the system, however, since every day brought news of incidents involving serious human rights violations: racial discrimination, disregard for the rights of minorities, torture, disappearances, mass killings and executions. Fortunately, as the world had become increasingly interdependent, knowledge of human rights violations was becoming widespread, prompting reactions by public opinion and Governments. The international community therefore needed to find ways and means of reacting to such incidents faster and more effectively than in the past or, better still, to prevent them from happening at all. To do so, he proposed three areas for action: collection of information, decision-making in the United Nations system, and measures to enhance prevention and remedies.

5. First, concerning information, as international concern for the protection of human rights grew, so did information sources: Governments, international organizations, non-governmental organizations, academic circles and the media all contributed to knowledge of those questions and to raising public awareness. Moreover, in order to enable the international community to react to specific incidents without delay, and on the basis of solid fact-finding, it was essential to receive reliable information quickly. At its most recent session, the General Assembly had adopted a Declaration on Fact-Finding by the United Nations in the field of the Maintenance of International Peace and Security, which enabled the Security Council and the Secretary-General to establish fact-finding missions. The Commission on Human Rights, too, should, by making use of international expertise, be enabled to request specific information on incidents which might involve gross and systematic human rights violations.

6. Secondly, concerning decision-making, he noted that the Commission, which met once a year, had a heavy workload and an ever-increasing amount of information to consult before taking its decisions, and that some of those decisions were therefore taken under considerable pressure of time. During the rest of the year, however, the world did not stand still, and events might require the Commission's attention and action. Delegations might wish to look for ways to enable the Commission to take timely decisions between sessions, on the basis of specific and comprehensive information.

7. Thirdly, it was important to plan preventive action, i.e. measures to prevent the escalation of events constituting serious human rights violations into situations with longer-term implications. Information and timeliness were essential elements of preventive action.

8. In the light of those considerations, he wished to describe an emergency procedure which the Commission might adopt and which had already been outlined by Mr. Alois Mock, the Austrian Minister for Foreign Affairs, at the General Assembly session in September 1991. An emergency mechanism would enable the Commission to react promptly to flagrant and gross violations of human rights and would guarantee closer cooperation between the Commission and the country or countries concerned. Such a mechanism would be complementary to, and function in close cooperation with, existing mechanisms established by the Commission and make use of the experience gained through them. To that end, the Secretary-General should establish and maintain a list of independent experts experienced in various fields of human rights protection. The mechanism would function in the following way: on the written request of any State Member of the United Nations, the Secretary-General should urgently seek the views of member States of the Commission on whether the emergency mechanism should be applied in a given situation. If a majority of member States agreed, the Secretary-General would invite the Bureau of the Commission to establish a group composed of five experts on the basis of equitable geographical distribution. The group of experts should collect information from all appropriate sources and produce a confidential report, to be submitted without delay to the Government concerned to enable it to present observations and comments on any action it had taken or intended to take. The report, as well as any observations or comments, would remain confidential until it was submitted by the Secretary-General for consideration to an

extraordinary meeting of the Commission on Human Rights, if a majority of States members of the Commission agreed. If they did not agree, the report would be submitted by the Secretary-General to the General Assembly or the next regular session of the Commission, whichever took place first.

9. In recent months, Austria had received a great number of very valuable and concrete comments and suggestions from member States of all regional groups represented in the Commission. It had accommodated all those suggestions, for which it thanked those States, and it invited all delegations to continue the dialogue so as to enable the Commission to adopt the proposal for an emergnecy mechanism with undivided support at the current session. All States must unite their efforts to ensure effective protection for fundamental rights and freedoms in all parts of the world, to strengthen those rights in the context of democratization and economic and social development, to spread knowledge of those rights and to assist those in need. Austria hoped that its proposal would contribute to those goals.

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (continued) (E/CN.4/1992/48 and Corr.1 and 2; E/CN.4/1992/59; E/CN.4/Sub.2/1991/41 and Corr.1; E/CN.4/Sub.2/1991/43)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 20) (continued) (E/CN.4/1992/52; E/CN.4/1992/65; E/CN.4/1991/56)

10. The CHAIRMAN invited the participants to continue consideration of agenda items 18 and 20.

11. Mr. HAMERMAN (International Progress Organization) said that the Government of the United States had been asked by the Special Rapporteur to comment on charges that Mr. LaRouche, and his association, were being persecuted in that country because of their beliefs (E/CN.4/1992/52, para. 74). The United States Government had so far remained silent on those allegations, a tactic which was usually vigorously condemned, by the United States among the countries, when practised by other countries.

12. The United States had frequently used the United Nations to condemn smaller countries for human rights violations. In well-known instances the United States had even sought sanctions and gone to war against natiens of the South in the name of righting injustices. His organization urged the Commission to open an impartial inquiry concerning Mr. LaRouche, who was being targeted by the United States authorities and was serving a prison sentence, for his political and philosophical beliefs, just as others had been persecuted for their religious beliefs when States had tried to suppress ideas and beliefs they had viewed as threatening.

13. It was essential for the Commission on Human Rights to look with even sharper eyes and act with even greater resolution in the case at hand, given the fact that the abuses in question were occurring in the very country which had long claimed to be the universal model for freedom of expression and belief. The concept of a "new world order" was meaningful only if the basic principles of human rights were enforced equally for a citizen of a small State and for a citizen of a super-Power.

14. Mr. WIRYONO (Indonesia) said that his Government, which was deeply attached to the principle of tolerance, had welcomed the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. In the context of the implementation of the Declaration, the Special Rapporteur should not confine himself to noting shortcomings, but should also identify the positive features, notably the interrelationships among the various denominations and between religion and the State.

15. In Indonesia, religious freedom had been guaranteed by the Constitution since the founding of the State in 1945. Although 90 per cent of the population were Muslim, the spirit of deliberation and consensus was traditional among Muslims, Hindus, Buddhists and Christians. Thus the terms "majority" and "minority" were not used in the sense in which they were generally understood; everyone in Indonesia was first and foremost Indonesian. The Ministry of Religious Affairs was responsible for the guidance of religious life. It comprised four main Directorates-General, whose task was to give guidance to the Muslim, Catholic, Protestant and Buddhist/Hindu communities and maintain religious harmony and peaceful cohabitation among them. In that connection, emphasis was placed on the importance of education as a means of fostering tolerance and respect among the different religious communities. In the end, tolerance was not just a matter of non-discrimination, but an act of understanding which must come from individuals themselves; the role of the Government was limited to promoting attitudes of tolerance, so as to ensure respect for the various religions and beliefs.

16. It was his delegation's view that the United Nations, and especially the Commission on Human Rights, had a central role to play in advocating religious tolerance at the national level and in inter-State relations.

17. Mr. DIENG (International Federation of Human Rights - International Commission of Jurists) said that the organizations he represented supported the adoption by the Commission of the Sub-Commission's recommendation to hold a "global consultation on the positions and approaches of different religions and beliefs to human rights and fundamental freedoms".

18. His statement would deal with a subject particular to Islam: a document adopted at the Islamic Conference of Foreign Ministers of 45 States Members of the United Nations, entitled "Islamic Declaration of Human Rights". The Declaration was to have been submitted to the Dakar Summit in December 1991, but consideration had fortunately been postponed. Since its adoption could have dire consequences, the International Federation of Human Rights believed that the international community should be alerted to its seriousness.

19. Before the text was examined, three clarifications were necessary: first, displays of religious intolerance and discrimination were quite obviously not specific to any individuals, groups or States claiming to have a certain conception of Islam. Secondly, in Tunis, Cairo, Algiers and Rabat, the International Federation of Human Rights had regularly attended trials to assist Islamic militants tried because of their beliefs and political

affiliations. Thirdly, the International Federation noted that practices and displays of intolerance and religious fanaticism created a distorted image of Islam, which strengthened racist and xenophobic reactions and the fantasies of fear and rejection that were apparent in Western countries.

20. That having been said, the draft Islamic declaration of human rights, as submitted to the Dakar Summit, referred frequently to the Sharia (Islamic law), which often proved to have only remote connections with the spirit and letter of the sacred texts of Islam. Moreover, the Islamic Sharia, which was a product of history, was considered by certain Muslim jurists to be a "law" that essentially had to be adapted to the requirements of modern times, contemporary legal thinking and international legal instruments. The draft declaration was disturbing for the following reasons: first, it seriously called in question the intercultural consensus on which the international legal instruments in the field of human rights were based; secondly, it introduced unacceptable discrimination vis-á-vis both non-Muslims and women, in the name of the defence of human rights; thirdly, it was deliberately restrictive regarding the exercise of certain fundamental rights and freedoms, to the point that some of its basic provisions fell short of the rules of law in force in many Muslim countries; and finally, under cover of the Islamic Sharia, it gave legitimacy to practices - such as corporal punishment - that infringed the integrity and dignity of the human person.

21. He noted in that context that the Congress of the International Federation of Human Rights had adopted a resolution on the rights of women throughout the world. That resolution stressed the need for solidarity with the many forms of struggle by women in Islamic countries, in the face of the rise in conservative and fundamentalist forces, which based their policy on the denial of women's rights to liberty and equality.

22. Convinced that the message of Islam, like that of all religions and unlike the caricature which Islamic fundamentalism made of it, was a message of tolerance, fraternity, justice and hope, the International Federation of Human Rights and the International Commission of Jurists believed that it would be a serious error for the draft Islamic declaration of human rights to be adopted by the Islamic Conference Organization.

23. Mrs. FARHI (International Council of Jewish Women) said that under article 4 of the Declaration referred to in agenda item 20, all States were required to take effective measures to prevent and eliminate discrimination on grounds of religion or belief, and noted that at a time of terrifying resurgence of the hideous spectre of religious and cultural fanaticism, it might be asked whether Governments were implementing that article and taking all necessary measures to deal with that phenomenon.

24. In western Europe, the xenophobic, racist and anti-Semitic far right was gaining ground everywhere, from Sweden to Austria and Germany, from Switzerland to Belgium, France and Italy. In central and eastern Europe - with the possible exception of Bulgaria - none of the countries newly liberated from Marxist totalitarianism had escaped the resurgence of old nationalist and patriotic traditions based on xenophobia and obsessive

anti-Semitism. In Turkey, a country which had prided itself on the harmonious relations between its people and the Jews for five centuries, anti-Semitic publications were springing up containing the old shibboleths about a world Judaeo-Masonic plot.

25. Computer games with the Führer as hero had spread from Austria, Germany and the United States to Japan, a country with no Jews; one of the programmes consisted in invading Poland in under two days, setting up concentration camps there and exterminating as many Jews and gypsies as possible. In the United States, a member of the Ku Klux Klan had recently come close to winning the elections in Louisiana. In South America, Asia and Africa, there were numerous countries where fanaticism largely based on religion or belief was reaching alarming proportions.

26. Yet with the changes that had occurred in eastern Europe, the Gulf war and the announcement of a new world order, it might have been hoped that the world would make its way towards democracy without too many pitfalls. What was the meaning of the compelling and sudden rise of movements motivated by mankind's basest instincts? Could everything be justified by the economic crisis? Her organization would like to point to two examples of the authorities' inertia in the face of the resurgence of extremist movements.

27. In France, Mr. Le Pen's National Front, for which the polls were now predicting nearly 15 per cent of the votes in the regional elections, was never bothered as a political party despite the fact that it unequivocally proclaimed an ideology and pursued goals which no democracy worthy of the name could tolerate: hatred of foreigners and glorification of "pure-blooded" Frenchmen. It was said that Mr. Le Pen had not violated article 4 of the Constitution and would not pose a threat to it, but how could one believe that? It was now a question not of sanctioning words of hatred concerning an individual whenever he uttered them, but of purely and simply banning an anti-democratic political party, i.e. a party which, by definition, provided an outlet for tendencies that could not unite without it. She referred, in support of her views, to article 5 of the International Convenant on Civil and Political Rights, and to article 17 of the European Convention on Human Rights.

28. The second example was Germany, where there had been over 200 desecrations of Jewish cemeteries in 1991. In the East as in the West, anti-Semitism was growing, together with xenophobia and attacks on foreigners. For the first time since the war, far-right-wing organizations were developing a manifestly anti-Semitic strategy, which was generally spread by young people, including organized groups of skinheads who resembled the S.A. of days gone by. Such movements could be more dangerous in Germany than elsewhere, for young Germans were said to have lost their bearings and to be seeking a new identity. But that was exactly the type of reasoning that tended to trivialize the phenomenon dangerously. In short, less than two generations would have sufficed to eliminate the past, however terrible. What other explanation could there be for the fact that the authorities permitted neo-Nazi groups to proclaim their ideas publicly with complete impunity, despite their violence, their flags with the Third Reich emblem, their uniforms, the Hitler salute they had revived and their raucous glorification of the past?

29. Nevertheless, increasingly alarmed by the widespread revival of the bloody ideologies of the inter-war years, those who still knew how to think, writers, philosophers, honest journalists, sincere clerics, men and women for whom democracy had a meaning, were finally sounding the alarm. The crucial question was the following: could democracy be left defenceless in the face of its detractors, must democracy follow its principles to their logical conclusion, even if that meant signing its own death warrant? The International Covenant on Civil and Political Rights and the Declaration under consideration contained clear precepts on all matters relating to discrimination and religious and cultural intolerance. Why wait to put them into practice? Her organization appealed to all Governments, whether or not they had signed the Covenants, and all peoples to show their commitment to the protection of human rights. It was not a service to humanity to trivialize genuinely tragic problems such as intolerance of religions or beliefs. On the contrary, it was more necessary than ever to assess the dangers correctly and acquire the legal and practical means to deal with them.

30. Mr. ROSSI (International Association for the Defence of Religious Liberty) expressed deep gratitude to the Commission on Human Rights and its Special Rapporteur, Mr. d'Almeida Ribeiro, for their untiring efforts in a cause which must be defended with continued zeal. There were still many countries where the right to freedom of thought, conscience and religion was systematically violated, for lack of adequate legislation to protect it and because of intolerance or religious fanaticism, which often resulted from ignorance.

31. Thus in Saudi Arabia, Mauritania and the Sudan, the law itself undermined the right to freedom of religion, since it provided for the death penalty for anyone who abandoned the official State religion; in Iran, Baha'is who refused to renounce their faith were persecuted; in Israel, liberal Jews only partially enjoyed rights that were granted in full to orthodox Jews. Those who abandoned Judaism to convert to another religion lost all their rights as Jews, in particular eligibility under the law on return. The same fate befell the Messianic Jews, who were no longer considered to be Jews because they had recognized Jesus of Nazareth as the Messiah. In Egypt, it was forbidden to proclaim in public a faith other than that of the majority. The Copts in particular had been seriously harassed by Muslim fundamentalists. In China, many believers and members of the clergy were imprisoned or sent to labour camps. In India, confrontations between Muslims and Hindus had left hundreds dead. In Viet Nam, the freedom of religion proclaimed by the State was not respected in practice, and religious worship was governed by the authorities. In Nigeria, there had been violent conflicts between Christians and Muslims in 1991. And, in Algeria, recent events showed that religious extremism could even bring about national and international destabilization. Such examples clearly demonstrated the need to provide legal protection for the right to freedom of religion and the value of an international instrument on the subject having the force of law.

32. In that connection, stress must also be laid on the importance of education in tolerance and respect for others, whatever their religion. Many believers felt that human rights and fundamental freedoms - as recognized by the international community - must be subordinated to the precepts of

their own religious traditions, with which they might at times be in conflict. The freedom to manifest a religion or belief was not absolute; it had limits, which included respect for the freedoms and fundamental rights of others, and in no circumstances should that freedom run counter to the purposes and principles of the United Nations. Religious authorities should therefore conduct a critical review of their theological positions, in order to reconcile them with the requirements of the modern era and respect for all universally-recognized human rights. The United Nations might, in particular, promote the holding of international meetings of representatives of the various religions in order to encourage them to play a full part in the struggle against intolerance and discrimination. The Commission should accordingly approve the Sub-Commission's recommendation concerning the holding of a global consultation on the positions and approaches adopted by different religions to human rights and fundamental freedoms, in which the representatives of all religions would be invited to participate and which would pave the way for the formulation of a binding international instrument on freedom of religion and belief. His organization, for its part, fully supported that recommendation and stressed the need to extend the Special Rapporteur's mandate, whose usefulness was beyond question.

33. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) said that without tolerance social peace was not possible. The great challenge to the pluralist and multicultural societies of the late twentieth century was to make tolerance and respect for others' universal values. But although the desire for tolerance was widespread, it clashed with fundamentalism and relativism. The fanatical exaltation of religion and indifference were ways of denying others their dignity.

34. It was not enough to proclaim tolerance, in a multicultural and pluralist society; for the different cultures to live and develop together tolerance must also be taught, and it was the State's responsibility to see that that was done. Genuine education in tolerance must not be built on an educational model which systematically left aside moral values, just as it must not be limited to slogans or tend towards politicization of education. The teaching of ethics had been removed from a large number of educational systems on the grounds that it was too complex and difficult. In other cases, a type of education had been designed that removed cultural references and strong philosophical foundations, combining tolerance and relativism. It was essential to be on one's guard against cheap-rate tolerance, which consisted in ignoring all differences and passing over the fundamental questions in silence. Although it was true that ethical and religious pluralism, like multiculturalism, could raise problems, disregarding those problems would not lead to solutions. The danger was in fact such pseudo-tolerance, for that was what gave rise to intolerance and fundamentalism. How was a young person to respect others' beliefs if he learned at school that his religion or beliefs were unimportant? When beliefs or religions were denied any validity, there was a defensive reaction that could lead to fundamentalism. Experts on integration had accurately analysed the situation where, once a minority felt that it could not play its role in society, it rejected all that that society represented; an unrespected group would therefore have all the more appreciation for those aspects of its cultural heritage that differentiated it from the rest of society.

35. His organization believed that education in genuine tolerance must take account of four facts. First, any religion or belief, even the most tolerant, could become intolerant and try to impose itself on others through violence. Consequently, tolerance and respect for others must be more than just an idea: they must manifest themselves in the form of qualities which built an atmosphere of cooperation and benevolence. Secondly, it was essential to distinguish between ideas, i.e. beliefs, religions and ideologies, on the one hand, and individuals, on the other. The intellectual debate turned on ideas and not persons. As Gandhi had so rightly said, an intolerant person remained a person with the same dignity as ourselves. Thirdly, school must transmit values and beliefs in the atmosphere of understanding and respect for others mentioned earlier. What was taught in school must be in harmony with the beliefs of the family community, for children who experienced a conflict between school and the family would incline towards either relativism or fundamentalism. And fourthly, it was important to avoid the more or less forcible integration of quite distinct social groups; that procedure only encouraged extremist positions.

36. Mr. Walker (Australia) took the Chair.

37. Mr. BOS (Baha'i International Community) congratulated the Special Rapporteur, Mr. d'Almeida Ribeiro, on his excellent report (E/CN.4/1992/52), which shed light not only on the various manifestations of religious intolerance throughout the world, but also on their underlying causes. He sincerely hoped that the Commission would renew the Special Rapporteur's mandate. The Baha'is had long shared the Special Rapporteur's conviction that more determined efforts should be made at all levels to combat all forms of discrimination or intolerance, especially when they had deep historic and cultural roots. Believers often found it difficult to admit that they had not discovered the one and only truth and to tolerate other religious beliefs. Such attitudes were largely the product of ignorance, which - as experience had only too clearly shown - bred superstition and perpetuated religious prejudice and animosity. To appreciate the way in which religious diversity could enrich social life, it was obviously necessary to be familiar with other religions, to have access to the sacred texts and, to that end, to be able to read. A fair-minded reading of those texts would reveal nothing to justify the hatred that pitted one religious community against another, but would on the contrary show that there was an extraordinary degree of harmony among them. Regrettably, some sectarian religious leaders dissuaded or discouraged their followers from trying to get to know other religions better or even to understand the deeper meaning of their own teachings, an attitude which fostered prejudice and intolerance. However, the primary purpose of any religion was to establish unity and concord among the peoples of the world. Governments, NGOs and people of good will, who were struggling to bring about a common solution to the various crises of the modern world, were entitled to expect from religious leadership a similar willingness to renounce sectarian interests and dogmas that inhibited the mobilization of humanity's spiritual resources.

38. His organization wished, in conclusion, to thank Mr. d'Almeida Ribeiro for having unceasingly urged States to protect, through constitutional and legal means, the right of their citizens to freedom of religion and belief.

It also supported his call for more efforts to promote greater understanding among all peoples, particularly through inter-faith dialogue and broad dissemination of the principles of the 1981 Declaration, especially in schools and the media. The Baha'i International Community was confident that even deeply-rooted prejudice faded in an environment of humility, compassion and earnest search for truth.

39. Mr. GYATTSEN (International Fellowship of Reconciliation) reminded the Commission that his organization had repeatedly provided the Centre for Human Rights with information on the violations of religious liberty in Tibet and called for measures to be taken to end them. Detailed information on the subject was also provided in the note by the Secretary-General on the situation in Tibet (E/CN.4/1992/37), which would be transmitted to the Commission. The International Fellowship of Reconciliation wished to draw the Commission's attention to the fact that the Chinese Government was now openly engaged in a policy of deliberate destruction of Buddhism in Tibet, as described in Mr. d'Almeida Ribeiro's report (E/CN.4/1992/52). A well-documented report published by Asia Watch a few weeks before also indicated that since 1989 the Chinese Government's crackdown on freedom of religion had intensified in Tibet and in China, where practising a religion could today be considered as a counterrevolutionary activity under the Penal Code. Amnesty International had also reported that numerous monks and nuns were currently imprisoned or detained in "Re-education through labour camps" for having peacefully expressed their beliefs.

40. All Tibetans were suffering from that situation, for they attached very great importance to their religion and their culture, which brought them happiness and had enabled them to keep up their hopes in the most difficult situations. The Tibetan Buddhists had never tried to impose their views on others. They wished to live in peace and brotherhood with the Muslims, of whom there were many in Tibet, and the Christians. Practising a religion was a personal choice, which must be respected as such. Tolerance was essential for the peaceful and free development of any society.

41. Governments and non-governmental organizations must work together to promote better understanding and to improve relations among groups now divided by differences in religious belief and by intolerance. His organization accordingly welcomed the Sub-Commission's recommendation that a global consultation should be held on the positions and approaches of different religions to human rights and fundamental freedoms. The celebration, in 1993, of the one hundredth anniversary of the establishment of the World Parliament of Religions, which would bring together religious representatives from Asia, the Middle East, Europe and the Americas, should also make possible further progress towards mutual respect and understanding.

42. Mr. MILOSEVIC (World Association of World Federalists) said that the cruel war that had torn Yugoslavia apart had forced 200,000 Serbs to leave their homes because their safety in Croatian territory had been threatened. Observance of the Orthodox religion had become impossible, and the Croatian authorities were making every effort to destroy the traces of Serbian presence, pulling down cultural and religious monuments. The methods of the Croatian State were similar to those of the Croatian Ustashi State, which had

ordered 450 Serbian Churches to be destroyed during the Second World War. Over 700,000 Serbs had been exterminated in Croatian concentration camps during that war, and some 270,000 members of the Orthodox Church had been forcibly converted to Catholicism. The Croatian authorities were now trying to annihilate a people's very soul.

43. Having received the mandate of the Serbian Orthodox Church, he would be submitting to the international community a document on the destruction of Serbian religious monuments in Croatia. He appealed to all members of the Commission to take note of the serious threat facing the Serbian people because of its religious beliefs. Countries which lent political support to the Croatian State were aiding and abetting a situation which would inevitably turn Croatia into a concentration camp for the Serbs who had tried to continue living in their territory. If the international community wished to eliminate all forms of religious intolerance, it must give priority consideration to the human rights situation in Croatia and condemn all discriminatory practices in that part of southern Europe.

44. Mrs. SLESZINKA (Christian Democrat International) said that in 1991, following the collapse of many socialist regimes on all continents, freedom of religion and belief had considerably improved throughout the world. In the Muslim countries, however, the situation of religious minorities, in particular the Christians, was steadily deteriorating because of the intensification of the Islamic nature of those States, with the adoption of the Sharia in Sudan and Pakistan for example, the proclamation of Islam as the State religion in Bangladesh and the increase in pro-Islamic pressure. At the beginning of 1992, violations were occuring in a number of States due to national provisions that were in conflict with human rights or to the failure to enforce national legislation that guaranteed equality among citizens.

45. In Greece, the "Metaxa" laws seriously undermined the freedom of the non-Orthodox religions with regard to the construction and opening of places of worship. Under those laws, non-Orthodox believers had received heavy sentences for distributing religious tracts. Other Metaxa laws, voted in under the dictatorship with no parliamentary action, provided for restrictions on the freedom of the non-Orthodox religions and gave rise to serious discrimination against believers in the workplace. The new Greek identity card still contained the heading "Religion", which constituted a breach of an individual's right not to have to state his religion publicly. A Greek representative to the European Parliament had made a written application to the Commission of the European Communities in order to have that discriminatory provision eliminated. Greece was also the only EEC country which did not provide for civilian service in lieu of military service, and 400 Jehovah's Witnesses, who were conscientious objectors, were currently serving four-year prison sentences. The victims in those cases had filed complaints against the Greek State before the European Commission of Human Rights in Strasbourg.

46. In Turkey, a building constructed by the Armenian Church in Kinaki, near Istanbul, had been razed on orders from the Government. During the second half of 1991, over 25 Christians of foreign nationalities had been deported for distributing religious literature in Turkish.

47. Her organization welcomed the release, in Egypt, of three Muslim converts to Christianity, who had been arrested in October 1990. Nevertheless, serious problems persisted in that country with regard to the construction and restoration of places of worship. There was a law, promulgated 135 years before, which stipulated that a church could not be built near a mosque or in a predominantly Muslim area. Thus there had been several interventions by the Egyptian security forces, which had invaded two Copt churches (in Alexandria and Upper Egypt), and terrorized worshippers. Applications for authorization to construct, enlarge, or repair Christian religious buildings were often rejected or ignored.

48. In Iran, after the hanging of Pastor Hossein Soodmand in December 1990, several members of the Protestant clergy had been arrested, imprisoned and tortured. Mention should also be made of the closure of all Christian bookstores, the Iranian Bible Society and several Protestant churches, and the ban on printing religious books in Farsi. In addition, the persistent intimidation campaigns against Muslim converts to Christianity showed no signs of improvement.

49. In Malaysia, translators of the Bible who were of foreign nationality had been expelled and nearly 20 Pentecostal churches were being threatened with closure because they had not received State authorization to conduct their activities. In China, arrests and closures of churches had greatly increased. In Vietnam, several Christians had been released, but four persons had just been arrested and sentenced to three years imprisonment.

50. Now more than ever, freedom of religion was essential to the peaceful organization of tomorrow's world. To help bring that about, national religious legislation should be brought into line with the Universal Declaration of Human Rights, and article 18 of the Declaration should be enforced throughout the world.

51. Mrs. GUZMAN (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, at its eleventh Congress held in Santiago, Chile, in November 1991, the Federation had decided to participate in all the activities planned by indigenous organizations and peoples as part of the continental campaign commemorating the 500 years of oppression and indigenous, popular and black resistance, and to inform all international bodies of the situation of the indigenous peoples.

52. After reading the report of the Working Group on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities (E/CN.4/1992/48) and the preliminary report submitted by Mr. Eide (E/CN.4/Sub.2/1991/43), she had the impression that the authors of those reports had had difficulty in defining what was meant by a minority. There were in Latin America today numerous peoples who had survived 500 years of Spanish, Portuguese and British colonialism, followed by domination by those weilding economic and political power after the founding of the States of North and South America. Those peoples were currently living in marginal conditions and, contrary to remarks made at a previous meeting, their claims reflected neither frustration nor an attempt at historical justification of their inability to cope with the current situation.

53. When the Latin American nations had been founded, no account had been taken of the existence of indigenous peoples, as attested to by the situation of the Esse-ejja people. At the beginning of the twentieth century, the Esse-ejja nation had been integrated into Bolivian territory; then, during the second decade, the Heath River had been set as the border between Peru and Bolivia, and that people had found itself divided between two countries. Neither the Governments of the time nor the present Governments had had the slightest concern about their survival. The Esse-ejja had violently resisted invasion by the Western Christian world and the civilizing campaigns of the Catholic missions, for which they had been oppressed and sold as slaves. Currently, the Esse-ejja of Peru and Bolivia maintained primarily family-based links among their various communities. In Peru, those communities were Hermosa Grande, Palma Real and Sonene. A commission which had visited Palma Real and Sonene had noted that Palma Real was receiving close attention from the State but was undergoing substantial acculturation. In Bolivia, there was only one community, at Portachuelo, where an American evangelical mission had built a school.

54. Other peoples from different parts of Latin America were in similar situations, and against the background of the adoption of the draft Declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, States must take account of the proposals of the indigenous peoples of Latin America. The second Inter-American Indigenous Congress on Natural Resources and the Environment had been held in Bolivia in 1991. It had emerged from the Congress that indigenous peoples all experienced similar problems regarding the consolidation of their territory, their cultural, political, economic and social recognition by the State, and respect for their identity. It was important for those peoples to be able to be educated in their language and to receive teaching that reflected their own vision of the world. Thus her organization supported the cause of the numerous indigenous peoples of Latin America, all of whom wished to exercise freely their right to self-determination.

55. Mr. SYMONDS (International Indian Treaty Council) said that for the Indian nation, religious intolerance was tantamount to cultural genocide. The Indian people's religion was connected to the land. However, the non-indigenous population of the United States had stolen the lands and resources of the Indians and adopted policies that legitimized those appropriations.

56. Referring to the statement by the representative of the United States on agenda item 20, he said that that country would do better to live up to its own treaty obligations instead of attacking Iran, China and the Sudan. Its promotion of the new world order represented the decline of human rights. The United States based its spiritual inspiration on the economy and the promotion of global markets. In his statement before the Commission, the Vice-President of the United States had proclaimed that national sovereignty and the principle of non-interference in the internal affairs of States could no longer be invoked as a defence. Very well, but who would protect the indigenous peoples' right to religious freedom? After five centuries, the Americans had still not grasped the essential spirituality of the indigenous peoples of the Americas, who were still fighting for their survival and

respect for their fundamental rights. The right to religious freedom set forth in the first amendment to the Constitution of the United States did not apply to American Indians. On 11 August 1978, the American Indian Religious Freedom Act had become law. That law stipulated that it was the United States authorities' duty to protect and preserve the right of Indians, Eskimos, Aleuts and native Hawaiians to have and practise a religion, including access to sites, use and possession of sacred objects, and freedom to worship through traditional rites. However, that law was not respected and numerous lawsuits had been filed following complaints by American Indians concerning the exercise of the right to freedom of religion. In June 1988, representatives of various Indian tribes had undertaken a six-week walk to protest against the commercial exploitation of pipestone, but objects made of pipestone continued to be sold, in violation of the Indians' religious traditions. In addition, the Native American Graves Protection and Repatriation Act, adopted over one year before, had still not been implemented. Graves continued to be desecrated and many ancestors of American Indians were still on display in museums or in the hands of anthropologists. The Indian nation would continue to fight to have the bodies of its ancestors and other sacred property returned to it.

57. The United States authorities had launched a major campaign against indigenous spirituality. He cited various examples concerning the Salish and Kootenai nations, the Nez Percés, the people of Taos Pueblo, the Iowa Tribe of Oklahoma and the San Carlos Apaches, and noted that the authorities were proposing construction projects which did not respect the sacred sites of the Indian people, authorizing the export of Indian artifacts looted from archeological and cultural sites, authorizing low-altitude flights over Indian territories by United States Air Force planes and refusing to return sacred lands to Indian tribes, while non-Indian hikers were allowed to intrude on them. However, the greatest threat to the Indian nation was the nuclear industry. Indian lands were often targeted for dumps, incinerators and landfills for toxic waste. The problem was a serious one, and if the authorities did not regulate the treatment of hazardous wastes on Indian land, environmental catastrophes were inevitable.

58. In conclusion, he informed the Commission of the death of David Sohappy on 6 May 1991. David Sohappy had been the spiritual adviser of the International Indian Treaty Council and a member of its Board of Directors. He had spent 20 months in a federal prison for having sought his spiritual food.

59. Mr. ELKABIR (Observer for the Sudan), speaking in exercise of the right of reply, reminded the Commission that the representative of the United States, in a statement on 7 February concerning agenda item 20, had said he had proof that the Sudanese Government had been attempting to impose the Islamic religion in southern Sudan. Those allegations were untrue, since freedom of religion was guaranteed by law in all provinces of the Sudan. Minorities' rights were clearly established. He also rejected the allegation that admission to university depended on a person's religion. The Government had begun a policy of Arabization which in no way prevented citizens from studying in the institution of their choice.

60. Mr. NWAKAMMA (Nigeria), speaking in exercise of the right of reply, objected to the allegations made by the International Association for the Defence of Religious Liberty concerning agenda item 20. There had never been any cases of religious intolerance or violation of freedom of religion in Nigeria. The Government's policy consisted in promoting the peaceful coexistence of the various religious communities, as attested to by the mixed marriages between Christians and Muslims and the presence of children of different religions in the same schools. Confrontations had been reported between Christians and Muslims in Nigeria, but according to the conclusions of a committee of inquiry established by the Government, religion had not been the reason for those incidents. Human rights were respected in Nigeria.

61. Mr. LEMINE (Mauritania), speaking in exercise of the right of reply, observed that his delegation had already replied to the allegations by the representative of the International Association for the Defence of Religious Liberty in previous statements and had provided the necessary clarifications concerning Mauritanian legislation on freedom of conscience. It had also provided the Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief with all the necessary clarifications. He noted that the representative of the International Association for the Defence of Religious Liberty was completely unfamiliar with the situation in Mauritania in affirming that Islam was the official State religion. It was in fact the religion of the Mauritanian people as a whole. It had not been imposed by the State, but had been institutionalized in the Constitution in order that the Constitution might be approved by the people. He wondered why a State should be criticized for having taken account of the deep and unanimous aspirations of the people when preparing fundamental legal texts. As for the allegation that any Mauritanian renounced the Islamic religion was liable to heavy penalties, there had been no such case so far.

62. Mrs. THI NHA Nguyen (Observer for Vietnam), speaking in exercise of the right of reply, said that Mr. d'Almeida Ribeiro, in his report on the implementation of the Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1991/56, para. 86), referred to some very old cases of imprisoned clerics. Similarly, in his statement the representative of the International Association for the Defence of Religious Liberty had accused the Vietnamese Government of infringing citizens' rights to freedom of religion. However, article 68 of the 1980 Constitution of the Socialist Republic of Vietnam stipulated that citizens enjoyed freedom of religion. His Government had always respected that provision. If clerics had been imprisoned, that had not been because of their beliefs, but because they had broken the law. Under the current process of renewal, certain laws had been amended and others would soon be amended to ensure that the Vietnamese people's rights, including the right to freedom of religion, were respected.

63. Mr. ZHAN Daode (China), speaking in exercise of the right of reply, said that the person who claimed to represent the International Fellowship of Reconciliation had made a vicious attack on China and circulated rumours concerning the Chinese Government's policy in Tibet. The so-called

representative was in fact a member of a Tibetan separatist group in exile, which was aiming at dividing China and proclaiming the independence of Tibet. That person's statement was, in his view, a mere footnote to the history of Tibet.

64. Mr. DARATZIKIS (Observer for Greece), speaking in exercise of the right of reply concerning the statement by the representative of Christian Democrat International, said that the Greek Constitution and laws established freedom of religion and conscience and that the exercise of personal rights did not depend on the religion of individuals. Only proselytism was prohibited. He informed the representative of Christian Democrat International that the Greek delegation was at his disposal if he needed additional information.

65. Mrs. Aboul-EZZ Halbouny (Observer for Egypt), speaking in exercise of the right of reply, said that her delegation attached great importance to the participation of non-governmental organizations in the Commission's discussions, as it considered that they had a major role to play in the protection and promotion of human rights. She had thus been all the more surprised by the statements of the representatives of Christian Democrat International and the International Association for the Defence of Religious Liberty, who should have checked their information before taking the floor before the Commission. Freedom of religion was established in the Egyptian Constitution and respected by Egyptian society. No religious community was discriminated against. The Copt population played an active role in all areas, and Copts were to be found in important posts, where they took part in policy formulation and in the decision-making process.

The meeting rose at 5.45 p.m.